

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK MAIN OFFICE (SYRACUSE)**

RACHEL COLANGELO and
KATHLEEN PARADOWSKI,
individually and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

CHAMPION PETFOODS USA INC.
and CHAMPION PETFOODS LP,

Defendants.

CIVIL ACTION NO.: 6:18-cv-01228-LEK-ML

**DECLARATION OF DAVID A. COULSON,
ESQ. IN SUPPORT OF DEFENDANTS
CHAMPION PETFOODS USA INC. AND
CHAMPION PETFOODS LP'S RESPONSE
IN OPPOSITION TO PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION**

I, DAVID A. COULSON, pursuant to 28 U.S.C. § 1746(2), declare under penalty of perjury the following:

1. I am shareholder with the law firm of GREENBERG TRAURIG, P.A. I represent Defendants Champion Petfoods USA Inc. and Champion Petfoods LP (collectively, "Champion") and submit this declaration in support of Champion's Response in Opposition to Plaintiff's Motion for Class Certification [D.E. 108]. This declaration is based on my personal knowledge and review of my files.

2. Attached as "**Exhibit 1**" is a document containing the purchase history of 31 named plaintiffs, as alleged in the complaints in 16 putative class actions filed in various states in 2018 against Champion. The document lists the case each plaintiff was part of, the Champion dog food diets the plaintiff allegedly purchased, and the date range of the purchases, if alleged.

3. Attached as "**Exhibit A**" is a true and correct copy of the Declaration of Chinedu Ogbonna in support of Champion's Response in Opposition to Plaintiff's Motion for Class Certification, dated April 13, 2021.

4. Attached as “**Exhibit B**” is a true and correct copy of relevant portions of the transcript from the November 13, 2018 deposition of Peter Muhlenfeld taken in the case *Loeb v. Champion Petfoods*, No. 18-cv-494 (E.D. Wis.).

5. Attached as “**Exhibit C**” is a true and correct copy of relevant portions of the transcript from the December 4, 2018 deposition of Champion’s corporate representative, Peter Muhlenfeld, taken in the related case *Reitman v. Champion Petfoods*, No. 2:18-cv-01736-DOC-JPR (C.D. Cal.) (“*Reitman*”).

6. Attached as “**Exhibit D**” is a true and correct copy of relevant portions of the transcript from the November 29, 2018 deposition of Jeff Johnston, taken in *Reitman*.

7. Attached as “**Exhibit E**” is a true and correct copy of a true and correct copy of relevant portions of the transcript from the June 25, 2020 deposition of Champion’s corporate representative, Peter Muhlenfeld, taken in the related case *Renfro v. Champion Petfoods*, No. 18-cv-02756-MEH (D. Colo.) (“*Renfro*”).

8. Attached as “**Exhibit F**” is a true and correct copy of the Declaration of Christopher Milam in support of Champion’s Response in Opposition to Plaintiff’s Motion for Class Certification, dated April 15, 2021.

9. Attached as “**Exhibit G**” is a true and correct copy of the transcript from the October 28, 2020 deposition of Plaintiff Kathleen Paradowski.

10. Attached as “**Exhibit H**” is a true and correct copy of Defendants’ Expert Report of Robert H. Poppenga, DVM, PhD, DABVT served in this action and executed February 19, 2021.

11. Attached as “**Exhibit I**” is a true and correct copy of relevant portions of the transcript from the May 9, 2019 deposition of Sean Callan taken in *Reitman*.

12. Attached as “**Exhibit J**” is a true and correct copy of relevant portions of the transcript from the April 26, 2019 deposition of Dr. Gary Pusillo taken in *Reitman*.

13. Attached as “**Exhibit K**” is a true and correct copy of relevant portions of the transcript from the June 24, 2020 deposition of Champion’s corporate representative, Jeff Johnston, taken in *Renfro*.

14. Attached as “**Exhibit L**” is a true and correct copy of the Declaration of Jeff Johnston in support of Champion’s Response in Opposition to Plaintiff’s Motion for Class Certification, dated April 12, 2021.

15. Attached as “**Exhibit M**” is a true and correct copy of relevant portions of the transcript from the May 31, 2019 deposition of Dr. Gary Pusillo taken in *Reitman*.

16. Attached as “**Exhibit N**” is a true and correct copy of relevant portions of the transcript from the July 22, 2020 deposition of Plaintiff Cammeo Renfro, taken in *Renfro*.

17. Attached as “**Exhibit O**” is a true and correct copy of relevant portions of the transcript from the August 31, 2020 deposition of Plaintiff Scott Wertkin, taken in the related case *Song v. Champion Petfoods*, No. 0:18-cv-03205-PJS-KMM (D. Minn.) (“*Song*”).

18. Attached as “**Exhibit P**” is a true and correct copy of relevant portions of the transcript from the July 8, 2020 deposition of Plaintiff Barb McGraw, taken in *Renfro*.

19. Attached as “**Exhibit Q**” is a true and correct copy of relevant portions of the transcript from the August 25, 2020 deposition of Plaintiff Jennifer Song, taken in *Song*.

20. Attached as “**Exhibit R**” is a true and correct copy of relevant portions of the transcript from the December 8, 2020 deposition of Plaintiff Zachary Chernik, taken in the related case *Chernik v. Champion Petfoods*, No. 1:18-cv-04347 (N.D. Ill.).

21. Attached as “**Exhibit S**” is a true and correct copy of relevant portions of the transcript from the October 21, 2020 deposition of Plaintiff Ramy Shaker, taken in the related case *Shaker v. Champion Petfoods*, No. 2:18-cv-13603-LJM-DRG (E.D. Mich.).

22. Attached as “**Exhibit T**” is a true and correct copy of relevant portions of the transcript from the January 3, 2019 deposition of Plaintiff Carol Shoaff, taken in *Reitman*.

23. Attached as “**Exhibit U**” is a true and correct copy of relevant portions of the transcript from the January 4, 2019 deposition of Plaintiff Jennifer Reitman, taken in *Reitman*.

24. Attached as “**Exhibit V**” is a true and correct copy of relevant portions of the transcript from the June 28, 2019 deposition of Plaintiff Erin Grant, taken in *Reitman*.

25. Attached as “**Exhibit W**” is a true and correct copy of relevant portions of the transcript from the October 7, 2020 deposition of Plaintiff Tracy Knierim, taken in *Shaker*.

26. Attached as “**Exhibit X**” is a true and correct copy of the Expert Report of Stefan Boedeker with appendices, dated February 24, 2021 and served in this action.

27. Attached as “**Exhibit Y**” is a true and correct copy of the Expert Rebuttal Report of Dr. Dominique M. Hanssens, dated March 29, 2021 and served in this action.

28. Attached as “**Exhibit Z**” is a true and correct copy of the Expert Rebuttal Report of Dr. Lorin Hitt, dated March 29, 2021 and served in this action.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 16th day of April, 2021 in Miami, Florida.

s/ David A. Coulson
David A. Coulson